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10 Attorneys for Defendant FIDELITY AND
11 DEPOSIT COMPANY OF MARYLAND

12 UNITED STATES DISTRICT COURT
13 SOUTHERN DISTRICT OF CALIFORNIA

14 LPL FINANCIAL CORPORATION,
15 formerly known as LINSICO/PRIVATE
16 LEDGER CORP.,

17 Plaintiff,

18 vs.

19 FIDELITY AND DEPOSIT
20 COMPANY OF MARYLAND,

21 Defendant.

Case No.: 08CV0038 JAH BLM

Assigned to Hon. John A. Houston

**JOINT MOTION FOR DISMISSAL
OF ACTION WITH PREJUDICE**

22 Plaintiff LPL Financial Corporation (herein "LPL"), formerly known as
23 Linsco/Private Ledger Corp., and Defendant Fidelity and Deposit Company of
24 Maryland (herein "F&D") submit this joint motion pursuant to the Court's Order
25 Confirming Settlement and Setting Deadline To File Joint Motion for Dismissal,
26 entered July 22, 2008.
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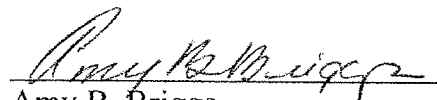
1 LPL and F&D jointly request that the Court dismiss this action with
 2 prejudice, each party to bear its own costs and attorneys' fees. The parties have
 3 reached a full and final settlement of all matters between them at issue in this
 4 action.

5 In accordance with the Court's July 22, 2008 Order, this joint motion is
 6 signed by counsel of record and all parties. Contemporaneous with this joint
 7 motion, the parties are submitting to the Court a proposed order that dismisses this
 8 action with prejudice.

9 Wherefore, each party desires a voluntary resolution of the dispute between
 10 it and the other party, and desires an immediate termination of litigation, and
 11 accordingly, the parties respectfully request that the Court enter the proposed order
 12 that dismisses this action with prejudice.

13
 14 Counsel of Record for Plaintiff:

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 18 Robert A. Zeavin
 19 Manatt, Phelps & Phillips, LLP
 20 11355 W. Olympic Blvd
 21 Los Angeles, CA 90064
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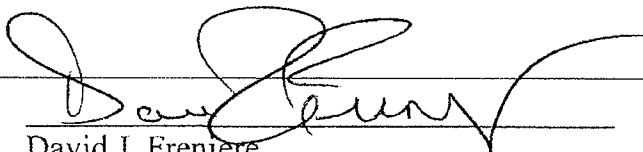

 Amy B. Briggs
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 Floor
 San Francisco, CA 94111
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22
 23 Attorneys for Plaintiff
 24 LPL Financial Corporation
 25 (formerly known as Linsco/Private
 Ledger Corp.)

26 Dated: August 7, 2008
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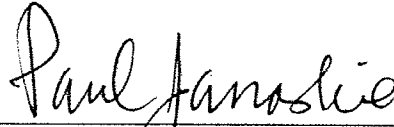
For Plaintiff:



David J. Freniere
Deputy General Counsel
LPL Financial Corporation
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22nd Floor
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Dated: August 5, 2008

Counsel of Record for Defendant:



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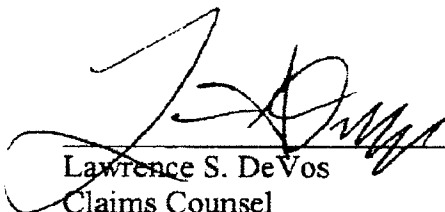
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Attorneys for Defendant
Fidelity and Deposit Company of Maryland

Dated: August 8, 2008

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For Defendant:



Lawrence S. DeVos
Claims Counsel
Zurich
Surety & Financial Claims
P.O. Box 17022
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Dated: August 8, 2008

CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the foregoing "Joint Motion for Dismissal with Prejudice" with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Amy B. Briggs, Esq.

At Los Angeles, California, this 8th day of August, 2008.

STEPTOE & JOHNSON LLP

/s/ Lynn R. Levitan

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